

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Mariusz Zalewski & Agnieszka Kaminska,

Chapter 13

Debtors

Case No. 08-23442(rdd)

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Order Reclassifying Secured Claim of Citibank N.A.

Upon the objection of the above debtors (the “Debtors”) seeking to reclassify the secured claim of Citibank N.A, which asserted a lien on Debtors’ property located at 1 Summit Park Road, New Hempstead, NY (the “Property”), pursuant to 11 U.S.C. §§ 506(a) and 1322(b)(2); and, after due and sufficient notice, there being no objection to the requested relief; and the Court having held a hearing on the objection on September 9, 2009; and the Court having determined that the value of the Property is less than the amount of the secured claim that is senior to Citibank N.A.’s mortgage on the Property and that there is no value in the Property securing Citibank’s secured claim.

Now, therefore, it is hereby

ORDERED that the objection is granted; and it is further

ORDERED that Citibank’s secured claim, secured by the Property, is reclassified as an unsecured claim. Pond v. Farm Specialist Realty (In re Pond), 252 F.3d 122, 126 (2d Cir. 2001).

Dated: White Plains, New York
September 9, 2009

/s/Robert D. Drain
Hon. Robert D. Drain, USBJ